IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

-

WRIT PETITION NO : 20746 of 1994

Between:

N.Uma Rani W/o.Sri Ashok Kumar
Hindu, aged about 42 years, House-hold,

R/o.Banjara Castle, Road.No.12
Banjara Hills Hyderabad.

..... PETITIONER

AND

1 Central Bank of India, Nationalized Scheduled Bank
having its Zonal Office at Bank Street, Hyderabad
Rep. by its Zonal Manager.
2 M/s.Guru Financial Services
1-1-336/31,Viveknagar Chikkadpally
Hyderabad. (R2 dismissed for default as per vide court order 13-12-1999)
3 The Commissioner of Police
Purani Haveli Hyderabad

(WP dismissed for default against Respondent No.2

vide Court Order dated 13.12.1999)

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring that letters dt.20-8-1994 bearing No.ZO.P&D:CC:94-95, addressed by the first respondent to the second and the third respondents respectively are arbitrary, illegal and void and consequently restrain the respondents their men, agents, employees etc. from recovering any amount from the petitioner on

account of Sri N.Ashok Kumar otherwise than under due process of law by indulging in high-handed acts and harassing the petitioner in the interest of justice.

Counsel for the Petitioner: MR.P.V.RAMA SARMA

Counsel for the Respondent No.1: STANDING COUNSEL FOR CENTRAL BANK OF INDIA.

Counsel for the Respondent No.3: G.P. FOR HOME.

The Court made the following:

O R D E R:

Admittedly, the petitioner is not the credit-card holder of the 1st respondent-bank and the question of the 1st respondent proceeding against the petitioner through the 2nd respondent does not arise, as such. That no proceedings, as such, could be initiated against the petitioner, for which purposes the services of the 3rd respondent could be utilized by the 1st respondent. Even otherwise, the 3rd respondent is not obliged to render any assistance to the 1st respondent to forcibly recover the amounts from the petitioner on whatever grounds.

This writ petition is accordingly disposed of directing the respondents herein not to take any steps whatsoever and coerce the petitioner to pay any amounts that may be due from her husband, payable to the 1st respondent. There shall be an order accordingly.

The Writ Petition is accordingly ordered without any order as to costs.

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B. SUDERSHAN REDDY, J.

Date: 25-11-2004

gs/pv

To

1 The Zonal Manager, Central Bank of India,
Bank Street, Hyderabad

2. The Commissioner of Police
Purani Haveli, Hyderabad

3. Two C.C.s to the G.P. for Home, High Court of A.P., Hyderabad
(O.U.T.)

4. Two C.D. copies